

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MERFISH PIPE & SUPPLY MANAGEMENT LLC, §
Plaintiff, §

v. §

M/V WASHINGTON RAINBOW II, *in rem* §
her engines, tackle, and apparel, *et al.* §

CIVIL ACTION H-06-1073

v. §

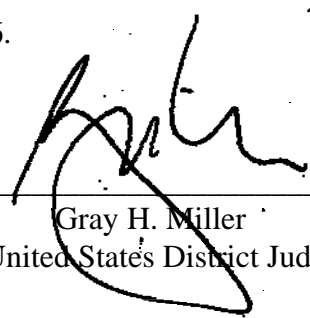
J.G. GOUMAS (SHIPPING) CO., S.A. §
WESTERN BULK CARRIERS A/S §
OSLO, AND KAMBANOS MARITIME LTD., §
Defendants. §

**ORDER GRANTING WESTERN BULK CARRIERS GMBH'S
MOTION FOR SUMMARY JUDGMENT**

Before the court is the defendant Western Bulk Carriers GmbH's motion for summary judgment. Dkt. 28. After considering the motion, the plaintiff's pleadings, and all proper summary judgment evidence on file, the court finds there is no genuine issue of material fact that Western Bulk Carriers GmbH is not a carrier under the COGSA on the relevant bills of lading for the cargo, and Merfish Pipe & Supply LLC's claim against Western Bulk Carriers GmbH fails on this basis as a matter of law. All claims of Merfish Pipe & Supply Management LLC against Western Bulk Carriers GmbH are therefore DISMISSED WITH PREJUDICE. Each party shall bear its own costs.

This is a FINAL JUDGMENT.

Signed at Houston, Texas on December 4, 2006.



Gray H. Miller
United States District Judge